

In the Official Action, the Examiner objected to Claim 89 and its dependent claims under 35 U.S.C. § 112, second paragraph for the reasons as set forth in the Official Action, and Applicants have now amended this claim in the manner prescribed by the Examiner. Accordingly the objections under 35 U.S.C. § 112, second paragraph, have been overcome and the Examiner's rejection on this basis should be withdrawn.

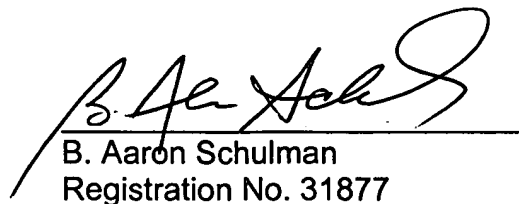
In the Official Action, the Examiner objected to Claim 89 and its dependent claims under 35 U.S.C. § 112, first paragraph on the basis that the subject matter was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. This rejection is respectfully traversed in light of the accompanying Declaration by inventor Jean-Charles Schwartz which in fact shows that the invention has been practiced as shown by the evidence discussed in the Declaration. Accordingly, the presently claimed invention is in fact enabled by the specification, and the rejection by The Examiner on the basis of 35 U.S.C. §112, first paragraph is respectfully traversed and should be withdrawn.

In light of the foregoing amendments and the Declaration submitted herewith, Applicants respectfully submit that the present application is in condition for immediate allowance, and such action is earnestly solicited.

Respectfully submitted,

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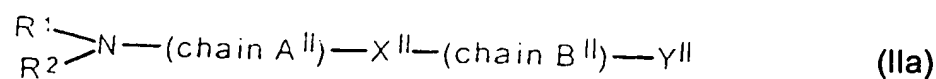
## ATTACHMENT A

### Amended and New Claims (Marked-Up Version)

Following herewith is a marked-up version of amended and new claims.

89. (New) A method of ~~treatment~~treating diseases or conditions selected  
from the group consisting of  
\_\_\_\_\_ treating central nervous system disorders;  
\_\_\_\_\_ providing psychotropic effects, promoting wakefulness, attention, memory and  
improving mood;  
\_\_\_\_\_ providing nootropic effects;  
\_\_\_\_\_ treating obesity, vertigo and motion sickness;  
\_\_\_\_\_ treating CNS disorders including CNS in aged persons;  
\_\_\_\_\_ providing sedative, tranquilizing, anti-stress, analgesic and antimigraine activity;  
\_\_\_\_\_ treating psychosomatic disorders, respiratory, allergic and rheumatic conditions  
of inflammatory conditions of the eye, urogenital system, digestive tract, skin,  
respiratory system and bronchi; and  
\_\_\_\_\_ treating asthma, bronchitis, rhinitis, tracheitis, gastric or duodenal ulcers,  
ulcerative colitis, Crohn's disease, irritable bowel syndrome, cystitis, metritis, urinary and  
faecal incontinence, urticaria, itching, arthritis, conjunctivitis and premenstrual  
syndrome;

using a compound having the general formula (IIa)



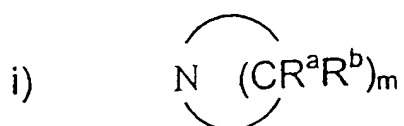
wherein:

$R^1$  and  $R^2$  may be identical or different and represent each independently

- a lower alkyl or cycloalkyl,

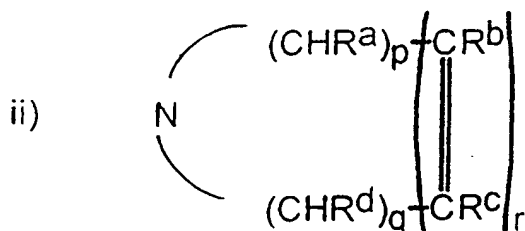
or taken together with the nitrogen atom to which they are attached,

- a saturated nitrogen-containing ring



with m ranging from 2 to 8, or

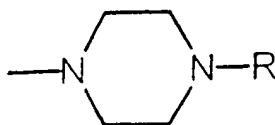
- a non-aromatic unsaturated nitrogen-containing ring



with p and q being 0 to 3 independently and r being from 0 to 4, provided that p and q are not simultaneously 0 and  $2 \leq p + q + r \leq 8$ ,

$R^{a-d}$  being independently a hydrogen atom or a lower alkyl, cycloalkyl, or carboalkoxy group, or

- a morpholino group, or
- a N-substituted piperazino group:



with R being a lower alkyl, cycloalkyl, carboalkoxy, aryl, arylalkyl, an alkanoyl or aroyl group; and

(i) the chain A<sup>II</sup> selected from a saturated or unsaturated, straight or branched hydrocarbon chain containing 1 to 6 carbon atoms, the saturated hydrocarbon chain optionally may be interrupted by a hetero atom which may be a sulphur atom;

(ii) X<sup>II</sup> selected from an oxygen atom, sulphur atom, -NH-, -NHCO-, -N(alkyl)CO-, -NHCONH-, -NH-CS-NH-, -NHCS-, -O-CO-, -CO-O-, -OCONH-, -OCON(alkyl)-, -OCON(alkene), -OCONH-CO-, -CONH-, -CON(alkyl)-, -SO-, -CO-, -CHOH-, -N(saturated or unsaturated alkyl), -S-C(=NY<sup>II</sup>)-NH-Y<sup>II</sup>- with the Y<sup>II</sup> identical or different, and -NR<sub>II</sub>C(=NR<sup>II</sup><sub>II</sub>)-NR<sup>I</sup><sub>II</sub>- where R<sub>II</sub> AND R<sup>I</sup><sub>II</sub> denote a hydrogen atom or a lower alkyl radical and R<sup>II</sup><sub>II</sub> denotes a hydrogen atom or another powerful electronegative group, which may be selected from a cyano or COY<sub>1</sub><sup>II</sup> group, Y<sub>1</sub><sup>II</sup> denoting an alkoxy group;

(iii) the chain B<sup>II</sup> selected from an aryl; arylalkyl; arylalkanoyl group; a straight alkylene chain -(CH<sub>2</sub>)<sub>n<sub>II</sub></sub>-, n<sub>II</sub> being an integer which can vary between 1 and 5 or a branched alkylene chain containing from 2 to 8 carbon atoms, the alkylene chain being optionally interrupted by one or a number of oxygen or sulphur atoms; and a group -(CH<sub>2</sub>)<sub>n<sub>II</sub></sub>-O- or -(CH<sub>2</sub>)<sub>n<sub>II</sub></sub>-S- where n<sub>II</sub> is an integer equal to 1 or 2; and

(iv) Y<sup>II</sup> selected from a straight or branched alkyl group containing 1 to 8 carbon atoms; a cycloalkyl containing 3 to 6 carbon atoms; a bicycloalkyl group; a cycloalkenyl group; an aryl group such as an optionally substituted phenyl group; a 5- or 6-membered heterocyclic radical containing one or two heteroatoms chosen from nitrogen and sulphur atoms, the heterocyclic radical optionally being substituted; and a

bicyclic radical resulting from the fusion of a benzene ring to a heterocycle as defined above;

or

(i') the chain A<sup>II</sup> selected from an unbranched, branched or unsaturated alkyl group  $-(CH_2)_{n_{II}}-$  where  $n_{II}$  is an integer which can vary between 1 and 8; an unbranched or branched alkene group comprising from 1 to 8 carbon atoms; and an unbranched or branched alkyne group comprising from 1 to 4 carbon atoms;

(ii') the group X<sup>II</sup> selected from -CONH-, CON(alkyl)-, CON(alkene)-, -OCO-, -OCSNH-, -CH<sub>2</sub>-, -O-, -OCH<sub>2</sub>CO-, -S-, -CO-, -CS-, armine, and saturated or unsaturated alkyl;

(iii') the chain B<sup>II</sup> selected from an unbranched, branched or unsaturated lower alkyl comprising from 1 to 8 carbon atoms;  $-(CH_2)_{n_{II}}(\text{hetero atom})-$  where the hetero atom is preferably a sulphur or oxygen atom;  $n_{II}$  being an integer which can vary between 1 and 5; and

(iv') the group Y<sup>II</sup> represents a phenyl group, unsubstituted or mono- or polysubstituted with one or more identical or different substituents selected from halogen atoms, OCF<sub>3</sub>, CHO, CF<sub>3</sub>, SO<sub>2</sub>N(alkyl)<sub>2</sub> such as SO<sub>2</sub>N(CH<sub>3</sub>)<sub>2</sub>, NO<sub>2</sub>, S(aryl), SCH<sub>2</sub>(phenyl), an unbranched or branched alkene, an unbranched or branched alkyne optionally substituted with a trialkylsilyl radical, -O(alkyl), -O(aryl), -CH<sub>2</sub>CN, a ketone, an aldehyde, a sulphone, an acetal, an alcohol, a lower alkyl, -CH=CH-CHO, -C(alkyl)=N-OH, -C(alkyl)=N-O(alkyl) and other keto derivatives, -CH=NOH, -CH=NO(alkyl), and other aldehyde derivatives, -C(alkyl)=NH-NH-CONH<sub>2</sub>, an O-phenyl or -OCH<sub>2</sub>(phenyl) group, -C(cycloalkyl)=NOH, -C(cycloalkyl)=N-O(alkyl); an optionally

substituted heterocycle; ~~a heterocycle comprising a sulphur hetero atom~~; a cycloalkyl; a bicyclic group and preferably a norbornyl group; a phenyl ring fused to a heterocycle comprising a nitrogen hetero atom or to a carbocycle or a heterocycle bearing a keto function; an unbranched or branched lower alkyl comprising from 1 to 8 carbon atoms; an unbranched or branched alkyne comprising from 1 to 8 carbon atoms and preferably 1 to 5 carbon atoms; a linear or branched alkyl mono- or polysubstituted with phenyl groups which are either unsubstituted or mono- or polysubstituted; a phenyl alkyl ketone in which the alkyl group is branched or unbranched or cyclic; a substituted or unsubstituted benzophenone; a substituted or unsubstituted, unbranched or branched or cyclic phenyl alcohol; an unbranched or branched alkene; a piperidyl group; a phenylcycloalkyl group; a polycyclic group, in particular a fluorenyl group, a naphthyl or polyhydronaphthyl group or an indanyl group; a phenol group; a ketone or keto derivative; a diphenyl group; a phenoxyphenyl group; a benzyloxyphenyl group,

~~as well as their~~ or its pharmaceutically acceptable salts, ~~their hydrates, their or~~ hydrated salts, or the polymorphic crystalline structures of these compounds ~~and/or~~ their optical isomers, racemates, diastereoisomers ~~and/or~~ enantiomers, as a ligand of the histamine H<sub>3</sub>-receptors, wherein a patient in need thereof is treated with an effective amount~~for an application selected from the group consisting of:~~

~~—treating central nervous system disorders, including Alzheimer disease, mood and attention alterations, cognitive deficits in psychiatric pathologies, obesity, vertigo and motion sickness;~~

~~—— providing psychotropic effects, promoting wakefulness, attention, memory and improving mood, and including the treatment of Alzheimer disease and other cognitive disorders in aged persons, depressive or asthenic states;~~

~~—— providing nootropic effects and including use in a treatment to stimulate attention and memorization capacity;~~

~~—— treating obesity, vertigo and motion sickness;~~

~~—— treating CNS disorders including CNS in aged persons;~~

~~—— providing sedative, tranquilizing, anti-stress, analgesic and antimigraine activity;~~

~~—— treating psychosomatic disorders, respiratory, allergic and rheumatic conditions of inflammatory conditions of the eye, urogenital system, digestive tract, skin, respiratory system and bronchi; and~~

~~—— treating asthma, bronchitis, rhinitis, tracheitis, gastric or duodenal ulcers, ulcerative colitis, Crohn's disease, irritable bowel syndrome, cystitis, metritis, urinary and faecal incontinence, urticaria, itching, arthritis, conjunctivitis and premenstrual syndrome.~~

124. (New) The method of treatment according to Claim 89 wherein the heterocycle comprises a sulphur hetero atom.

125. (New) The method of treatment according to Claim 89 wherein the central nervous disorders treated are selected from the group consisting of Alzheimer disease, mood and attention alterations, cognitive deficits in psychiatric pathologies, obesity, vertigo and motion sickness.

126. (New) The method of treatment according to Claim 89 wherein the central nervous disorders treated are selected from the group consisting of Alzheimer disease, mood and attention alterations, cognitive deficits in psychiatric pathologies, obesity, vertigo and motion sickness.